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of Existing Federal Buildings as
isons

ate of enactment of this Act, the
e to the Attorney General—
the jurisdiction of the Department
ies beyond the excess and surplus
facilities or a portion thereof could
, as detention facilities for felons,
ederal responsibility such as illegal
tics traffickers;
how such facilities could be used as
tailed descriptions on their actual
ir capacities or rated capacities; the
utilized as detention facilities; the
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n as such; and
nt of Defense and the Department of
d provide staffing responsibilities to
etention facilities.
analysis required by subsection (a)
s.

Traffickers Deportation Act

IMMIGRATION AND NATIONALITY ACT.

Immigration and Nationality Act (8

aw or regulation relating to" and all
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r regulation of a State, the United
y relating to a controlled substance
of the Controlled Substances Act (21

of the aforementioned drugs" and
y such controlled substance".
Act (8 U.S.C. 1251(a)(11)) is amended
regulation relating to" and all that
aining opiate" and inserting in lieu
of a State, the United States, or a
controlled substance (as defined in
Substances Act (21 U.S.C. 802))".
by the subsections (a) and (b) of this
ons occurring before, on, or after the
ection, and the amendments made by
iens entering the United States after
is section.

ration and Nationality Act (8 U.S.C.
the end the following new subsection:
who is arrested by a Federal, State, or
for a violation of any law relating to
icial (or another official)—

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"(1) has reason to believe that the alien may not have been
lawfully admitted to the United States or otherwise is not
lawfully present in the United States,

"(2) expeditiously informs an appropriate officer or employee
of the Service authorized and designated by the Attorney Gen-
eral of the arrest and of facts concerning the status of the alien,
and

"(3) requests the Service to determine promptly whether or
not to issue a detainer to detain the alien, the officer or em-
ployee of the Service shall promptly determine whether or not
to issue such a detainer. If such a detainer is issued and the
alien is not otherwise detained by Federal, State, or local offi-
cials, the Attorney General shall effectively and expeditiously
take custody of the alien."

(e)(1) From the sums appropriated to carry out this Act, the
Attorney General, through the Investigative Division of the
Immigration and Naturalization Service, shall provide a pilot pro-
gram in 4 cities to establish or improve the computer capabilities of
the local offices of the Service and of local law enforcement agencies
to respond to inquiries concerning aliens who have been arrested or
convicted for, or are the subject to criminal investigation relating to,
a violation of any law relating to controlled substances. The Attor-
ney General shall select cities in a manner that provides special
consideration for cities located near the land borders of the United
States and for large cities which have major concentrations of
aliens. Some of the sums made available under the pilot program
shall be used to increase the personnel level of the Investigative
Division.

(2) At the end of the first year of the pilot program, the Attorney
General shall provide for an evaluation of the effectiveness of the
program and shall report to Congress on such evaluation and on
whether the pilot program should be extended or expanded.

8 USC 1103 note.

Report.

Subtitle N—Freedom of Information Act

SEC. 1801. SHORT TITLE.

This subtitle may be cited as the "Freedom of Information Reform
Act of 1986".

Freedom of
Information
Reform Act of
1986.

5 USC 552 note.

SEC. 1802. LAW ENFORCEMENT.

(a) EXEMPTION.—Section 552(b)(7) of title 5, United States Code, is
amended to read as follows:

"(7) records or information compiled for law enforcement
purposes, but only to the extent that the production of such law
enforcement records or information (A) could reasonably be
expected to interfere with enforcement proceedings, (B) would
deprive a person of a right to a fair trial or an impartial
adjudication, (C) could reasonably be expected to constitute an
unwarranted invasion of personal privacy, (D) could reasonably
be expected to disclose the identity of a confidential source,
including a State, local, or foreign agency or authority or any
private institution which furnished information on a confiden-
tial basis, and, in the case of a record or information compiled
by criminal law enforcement authority in the course of a criminal
investigation or by an agency conducting a lawful national
security intelligence investigation, information furnished by a
confidential source, (E) would disclose techniques and proce-

State and local
governments.

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dures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;”

(b) EXCLUSIONS.—Section 552 of title 5, United States Code, is amended by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f) respectively, and by inserting after subsection (b) the following new subsection:

“(c)(1) Whenever a request is made which involves access to records described in subsection (b)(7)(A) and—

“(A) the investigation or proceeding involves a possible violation of criminal law; and

“(B) there is reason to believe that (i) the subject of the investigation or proceeding is not aware of its pendency, and (ii) disclosure of the existence of the records could reasonably be expected to interfere with enforcement proceedings, the agency may, during only such time as that circumstance continues, treat the records as not subject to the requirements of this section.

“(2) Whenever informant records maintained by a criminal law enforcement agency under an informant’s name or personal identifier are requested by a third party according to the informant’s name or personal identifier, the agency may treat the records as not subject to the requirements of this section unless the informant’s status as an informant has been officially confirmed.

“(3) Whenever a request is made which involves access to records maintained by the Federal Bureau of Investigation pertaining to foreign intelligence or counterintelligence, or international terrorism, and the existence of the records is classified information as provided in subsection (b)(1), the Bureau may, as long as the existence of the records remains classified information, treat the records as not subject to the requirements of this section.”

SEC. 1803. FEES AND FEE WAIVERS.

Paragraph (4)(A) of section 552(a) of title 5, United States Code, is amended to read as follows:

Regulations.

“(4)(A)(i) In order to carry out the provisions of this section, each agency shall promulgate regulations, pursuant to notice and receipt of public comment, specifying the schedule of fees applicable to the processing of requests under this section and establishing procedures and guidelines for determining when such fees should be waived or reduced. Such schedule shall conform to the guidelines which shall be promulgated, pursuant to notice and receipt of public comment, by the Director of the Office of Management and Budget and which shall provide for a uniform schedule of fees for all agencies.

Research and development.

“(ii) Such agency regulations shall provide that—

“(I) fees shall be limited to reasonable standard charges for document search, duplication, and review, when records are requested for commercial use;

“(II) fees shall be limited to reasonable standard charges for document duplication when records are not sought for commercial use and the request is made by an educational or non-commercial scientific institution, whose purpose is scholarly or scientific research; or a representative of the news media; and

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investigations or prosecutions, or law enforcement investigations or are could reasonably be expected the law, or (F) could reasonably life or physical safety of any

of title 5, United States Code, is tions (c), (d), and (e) as subsections y inserting after subsection (b) the

made which involves access to 7)(A) and—

ceeding involves a possible viola-

lieve that (i) the subject of the not aware of its pendency, and (ii) the records could reasonably be enforcement proceedings,

time as that circumstance contin- subject to the requirements of this

is maintained by a criminal law informant's name or personal identity according to the informant's agency may treat the records as not is section unless the informant's officially confirmed.

which involves access to records au of Investigation pertaining to elligence, or international terror- rds is classified information as Bureau may, as long as the exist- ed information, treat the records of this section."

) of title 5, United States Code, is

the provisions of this section, each as, pursuant to notice and receipt schedule of fees applicable to the section and establishing proce- ning when such fees should be shall conform to the guidelines ant to notice and receipt of public fice of Management and Budget niform schedule of fees for all

l provide that—

reasonable standard charges for and review, when records are

reasonable standard charges for rds are not sought for commer- made by an educational or non- n, whose purpose is scholarly or entative of the news media; and

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"(III) for any request not described in (I) or (II), fees shall be limited to reasonable standard charges for document search and duplication.

"(iii) Documents shall be furnished without any charge or at a charge reduced below the fees established under clause (ii) if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.

"(iv) Fee schedules shall provide for the recovery of only the direct costs of search, duplication, or review. Review costs shall include only the direct costs incurred during the initial examination of a document for the purposes of determining whether the documents must be disclosed under this section and for the purposes of withholding any portions exempt from disclosure under this section. Review costs may not include any costs incurred in resolving issues of law or policy that may be raised in the course of processing a request under this section. No fee may be charged by any agency under this section—

"(I) if the costs of routine collection and processing of the fee are likely to equal or exceed the amount of the fee; or

"(II) for any request described in clause (ii) (II) or (III) of this subparagraph for the first two hours of search time or for the first one hundred pages of duplication.

"(v) No agency may require advance payment of any fee unless the requester has previously failed to pay fees in a timely fashion, or the agency has determined that the fee will exceed \$250.

"(vi) Nothing in this subparagraph shall supersede fees chargeable under a statute specifically providing for setting the level of fees for particular types of records.

"(vii) In any action by a requester regarding the waiver of fees under this section, the court shall determine the matter de novo: *Provided*, That the court's review of the matter shall be limited to the record before the agency."

SEC. 1804. EFFECTIVE DATES.

5 USC 552 note.

(a) The amendments made by section 1802 shall be effective on the date of enactment of this Act, and shall apply with respect to any requests for records, whether or not the request was made prior to such date, and shall apply to any civil action pending on such date.

(b)(1) The amendments made by section 1803 shall be effective 180 days after the date of enactment of this Act, except that regulations to implement such amendments shall be promulgated by such 180th day.

(2) The amendments made by section 1803 shall apply with respect to any requests for records, whether or not the request was made prior to such date, and shall apply to any civil action pending on such date, except that review charges applicable to records requested for commercial use shall not be applied by an agency to requests made before the effective date specified in paragraph (1) of this subsection or before the agency has finally issued its regulations.

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100 STAT. 3207

*Public Law 99-570
99th Congress

An Act

To strengthen Federal efforts to encourage foreign cooperation in eradicating illicit drug crops and in halting international drug traffic, to improve enforcement of Federal drug laws and enhance interdiction of illicit drug shipments, to provide strong Federal leadership in establishing effective drug abuse prevention and education programs, to expand Federal support for drug abuse treatment and rehabilitation efforts, and for other purposes.

Oct. 27, 1986
[H.R. 5484]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Anti-Drug Abuse
Act of 1986.
21 USC 801 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Anti-Drug Abuse Act of 1986".

SEC. 2. ORGANIZATION OF ACT.

This Act is organized as follows:

TITLE I—ANTI-DRUG ENFORCEMENT

Subtitle A—Narcotics Penalties and Enforcement Act of 1986

Subtitle B—Drug Possession Penalty Act of 1986

Subtitle C—Juvenile Drug Trafficking Act of 1986

Subtitle D—Assets Forfeiture Amendments Act of 1986

Subtitle E—Controlled Substance Analogue Enforcement Act of 1986

Subtitle F—Continuing Drug Enterprise Act of 1986

Subtitle G—Controlled Substances Import and Export Act Penalties Enhancement Act of 1986

Subtitle H—Money Laundering Control Act of 1986

Subtitle I—Armed Career Criminals

Subtitle J—Authorization of Appropriations for Drug Law Enforcement

Subtitle K—State and Local Narcotics Control Assistance

Subtitle L—Study on the Use of Existing Federal Buildings as Prisons

Subtitle M—Narcotics Traffickers Deportation Act

Subtitle N—Freedom of Information Act

Subtitle O—Prohibition on the Interstate Sale and Transportation of Drug Paraphernalia

Subtitle P—Manufacturing Operations

Subtitle Q—Controlled Substances Technical Amendments

Subtitle R—Precursor and Essential Chemical Review

Subtitle S—White House Conference for a Drug Free America

Subtitle T—Common Carrier Operation Under the Influence of Alcohol or Drugs

Subtitle U—Federal Drug Law Enforcement Agent Protection Act of 1986

*Note: This is a subsequently typeset print of the hand enrollment which was signed by the President on October 27, 1986.